

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**TERRENCE J. HANCOCK, JOHN LISNER,)
WILLIAM LOGAN, LAWRENCE GROOT,)
DEAN H. VANDER BAAN and THOMAS J.)
YONKER, as Trustees of LOCAL No. 731,)
INTERNATIONAL BROTHERHOOD OF)
TEAMSTERS, PRIVATE SCAVENGERS)
HEALTH & WELFARE FUND,)**

Case No. 07 C 6206

Plaintiff,

V.

Judge Bucklo

MIDWEST REM ENTERPRISES, INC.,)
an Illinois corporation, and ALBERT)
RAMIREZ, individually,)

Magistrate Judge Soat Brown

Defendants.

PLAINTIFF'S MOTION FOR RULE TO SHOW CAUSE

Plaintiff TERRENCE J. HANCOCK, JOHN LISNER, WILLIAM LOGAN, LAWRENCE GROOT, DEAN H. VANDER BAAN, THOMAS J. YONKER, as Trustees of LOCAL 731, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, PRIVATE SCAVENGERS HEALTH AND WELFARE FUND (hereinafter the "Fund"), Dowd, Bloch & Bennett, respectfully move this Court for order directing ALBERT RAMIREZ, individually and as President and agent of MIDWEST REM ENTERPRISES, INC., to appear before this Court and show cause why he should not be held in contempt for failing to comply with the Court's December 11, 2007 Order. In support of this motion, Plaintiff states as follows:

1. This is a claim against the Defendants for delinquent reports and contributions due to an employee fringe benefit fund under Section 515 of ERISA, 29 U.S.C. §1145 and for breach of contract.

2. On December 11, 2007, this Court entered an Order of Default against the Defendants and ordered that the Defendants submit completed and accurate work reports to the Plaintiff for all unreported months, including the period covering October 2006 through March 2007, through the present within 10 days of the Order. A copy of the Order is attached as Exhibit "A."

3. On December 12, 2007, the Plaintiffs sent notice of the Court's Order to the Defendants. See Exhibit "B"

4. As of the filing of this motion, despite demand being duly made, Plaintiff has not received reports from October 2006 through March 2007.

5. The Defendants' failure to comply the Court's December 11, 2007 Order constitutes civil contempt of the authority of the Court and causes the Fund additional and unnecessary legal fees.

6. Additionally, without submission of said reports, the Plaintiff can not properly prepare for the prove-up hearing set in this matter with respect to the amounts the Defendants owe to the Plaintiff, particularly for the work months of October 2006 through March 2007.

WHEREFORE, for the reasons stated above, Plaintiff respectfully requests this Court grant this motion and issue an Order against ALBERT RAMIREZ, individually and as President and agent of MIDWEST REM ENTERPRISES, INC., to appear and show cause why he should not be held in contempt of court, and to take such other action as this Court deems necessary to secure compliance with its order.

Respectfully submitted,

/s/LaKisha M. Kinsey-Sallis
LaKisha M. Kinsey-Sallis
One of Plaintiffs' Attorneys

Michele M. Reynolds
Justin J. Lannoye
LaKisha M. Kinsey-Sallis
DOWD, BLOCH & BENNETT
8 S. Michigan Avenue--19th Floor
Chicago, IL 60603
312-372-1361